

EXHIBIT "C"



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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JANE DOE, a minor, by and through
Her mother and next friend, MOTHER DOE,
Plaintiff,

vs. Case No: 1:23-cv-23004

ACADEMIR CHARTER SCHOOLS, INC.
And SUPERIOR CHARTER SCHOOL
SERVICES, INC.,

Defendants.

/

VIDEOCONFERENCE
DEPOSITION OF: [REDACTED]

DATE: MONDAY, AUGUST 26, 2024

TIME: 12:02 P.M. - 4:25 P.M.

PLACE: MIAMI, FLORIDA 33131

STENOGRAPHICALLY
REPORTED BY: AMBER PORTELLO

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17
18 ALSO PRESENT:
19 Carmen Quintana, Interpreter
20
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I N D E X

TESTIMONY OF [REDACTED]

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DEFENDANT'S EXHIBITS

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REPORTER'S NOTE: Exhibits mentioned above were retained by Julie Karron, Esquire.

S T I P U L A T I O N S

It is hereby stipulated and agreed by and between the counsel for the respective parties and the deponent that the reading and signing of the deposition transcript be reserved.

PROCEEDINGS

COURT REPORTER: Would you raise your right hand, please?

Do you solemnly swear or affirm to translate Spanish to English and English to Spanish?

THE INTERPRETER: I do.

COURT REPORTER: Would you raise your right hand, please?

Do you solemnly swear or affirm that the testimony you're about to give in this cause is the truth, the whole truth and nothing but the truth?

THE WITNESS: Yes.

THEREUPON

was called as a witness and, having first been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. KARRON:

Q. Good morning. I'm the attorney for Academir Charter Schools, and I'm here to take your deposition.

Can you please state your full name for the record?

A. [REDACTED]

Q. And, [REDACTED] we are here with an

1 interpreter. Can you tell me, do you speak any English?

2 A. Yes.

3 Q. Okay. Are you fluent in English?

4 A. No.

5 Q. Have you ever had your deposition taken before?

6 A. No.

7 Q. Okay. I'm going to go over some rules. There
8 is a court reporter here typing everything that we say.

9 Also, as you can see, there is an interpreter

10 interpreting from English to Spanish and Spanish to

11 English. So for that reason we have to be careful not

12 to tong over each other. Also, make sure that the

13 answers are all verbal. If you say things like uh-uh

14 and uh-huh, it will be very difficult for the court

15 reporter to get your response down. Also please do not

16 guess. If you're not sure of something, you can tell

17 me. If you don't understand my question, please ask for

18 a clarification. Also, you are under oath, so the

19 penalty of not telling the truth will be perjury.

20 Do you understand these rules?

21 A. Yes.

22 Q. Okay. Are you presently on any medication or
23 under the influence of any substance that would affect
24 your ability to understand questions or testify

25 truthfully?

1 A. No.

2 Q. Is anyone in the room with you?

3 A. Yes.

4 Q. Who's in the room with you?

5 A. The attorney.

6 Q. Anyone else?

7 A. No.

8 Q. Okay. Do you have any documents in front of
9 you?

10 A. No.

11 Q. Do you have a computer in front of you?

12 A. Yes.

13 Q. Okay. Is your computer on?

14 A. Yes.

15 Q. Is anything open on the screen other than this
16 Zoom deposition meeting?

17 A. No.

18 Q. Okay. And just to make sure I understand that
19 you do speak some English, but let the interpreter fully
20 interpret the question into Spanish before you answer
21 just to make it easier.

22 Okay?

23 A. Okay.

24 MR. MACDONALD: Julie, before we go further,
25 can you turn on your camera first just so we can see

who's asking questions?

MS. KARRON: I'm having camera difficulty. I tried to do it and something happened. I think there is some sort of computer error where it only pulls it from my laptop screen and the laptop is closed and underneath, but my picture should pop up and I'm the only one asking questions I believe.

MR. MACDONALD: Okay.

BY MS. KARRON:

Q. Did you meet with anyone to prepare for your deposition today?

A. Yes.

Q. How many meetings did you have?

A. One today.

Q. And was that with anyone other than your attorney?

A. The attorney and the paralegal.

Q. Okay. Was anyone else in the room?

A. No.

Q. Was anyone else on the phone?

A. No.

Q. Have you ever been known by any other names other than [REDACTED]

A. Well, my second last name which is Figueroa, but my name has always been [REDACTED]

1 Q. And I'm getting some echo. Are you guys
2 hearing that?

3 A. Yes.

4 MS. KARRON: Do you hear it too, Kyle? When he
5 talks, I hear an echo.

6 MR. MACDONALD: Yeah. It might just be the
7 room actually:

8 MS. KARRON: Okay.

9 BY MS. KARRON:

10 Q. How old are you, sir?

11 A. Forty.

12 Q. And when were you born?

13 A. 1984.

14 Q. What is your date of birth?

15 A. June 30th.

16 Q. And where were you born?

17 A. In Cuba.

18 Q. How long have you lived in the United States?

19 A. Since 2013.

20 Q. Do you have a Social Security number?

21 A. Yes.

22 Q. Can you share that with me? You can take it
23 off the record for your protection.

24 MR. MACDONALD: I'm going to object to the
25 form. I can give you it off the record if you'd

like, like outside of the deposition.

MS. KARRON: He's going to do it off the record if he knows it. If he doesn't know it, then he doesn't know it.

THE WITNESS: Is it necessary for me to give it?

MR. MACDONALD: If you have it, you can tell her what it is.

(An off-the-record discussion was had.)

BY MS. KARRON:

Q. What is your current citizenship status?

MR. MACDONALD: Objection, form. You can answer the question.

THE WITNESS: Citizen.

BY MS. KARRON:

Q. And when did you get your citizenship?

A. I don't exactly remember. I believe it was in 2019.

Q. And during the deposition, I'm going to be asking questions, and your attorney could be objecting to the form of a question. But unless somebody -- unless your attorney tells you not to answer the question, you can just automatically answer instead of asking your attorney if it's okay to answer.

You have a Florida driver's license that you

showed?

A. Yes.

Q. Has your license ever been suspended or
revoked?

A. No.

Q. What is the highest level of education that
you've completed?

A. Bachelor's Degree.

Q. And when did you get that from and where?

A. 2011, Cuba.

Q. And what is the degree in?

A. Information technology.

Q. Do you have any other degrees or certificates?

A. I have a certificate in IT.

Q. Anything else?

A. I don't remember.

Q. Have you ever served in the military?

A. Not in the United States.

Q. What about in Cuba?

A. Military service.

Q. Have you ever been arrested or convicted of a
crime?

A. No.

Q. Aside from the case that we're here about
today, have you ever sued anyone or been sued?

1 A. No.

2 Q. Have you ever gotten a lawyer and filed a claim
3 against anyone other than this case?

4 A. No.

5 Q. What is your current home address?

6 A. [REDACTED]
7 [REDACTED]

8 Q. And how long have you lived at that address?

9 A. For about three years.

10 Q. And who do you live with?

11 A. My wife and my girl.

12 Q. How many children do you have?

13 A. One.

14 Q. And is your wife -- tell me your wife's name?

15 A. [REDACTED]

16 Q. And when were you and [REDACTED] married?

17 A. We've been with each other for nine years.

18 Q. When did you marry [REDACTED]

19 A. We're not legally married.

20 Q. And what is your child's name?

21 A. [REDACTED]

22 Q. And how old is your daughter?

23 A. Seven years old.

24 Q. And what's her date of birth?

25 A. [REDACTED]

1 Q. What school does your daughter go to?

2 A. Kendale Lakes Elementary.

3 Q. Where do you currently work?

4 A. I work from home.

5 Q. Who is your employer?

6 A. A company called Church World Service.

7 Q. How long have you been working for Church World
8 Service?

9 A. Management administrator. Data management
10 administrator.

11 Q. Okay. Through your job, do you have health
12 insurance?

13 A. Yes.

14 Q. How long have you had health insurance through
15 your job for?

16 A. Eight years.

17 Q. And what company is your health insurance with?

18 A. Aetna.

19 Q. Is your daughter on your health insurance? Is
20 she a member on your health insurance?

21 A. Yes.

22 Q. And has your daughter's health insurance paid
23 for any medical treatment or appointments for this case?

24 MR. MACDONALD: Objection, form.

25 BY MS. KARRON:

1 Q. I can clarify that. That was a bad question.
2 Has the Aetna insurance paid for anything related to the
3 sexual incident that we're here about?

4 A. No.

5 Q. I'm going to ask you some questions about your
6 daughter's medical history. And when I'm talking about
7 history, I'm talking about everything prior to January
8 20, 2023.

9 Has your daughter ever been diagnosed with any
10 medical or psychological conditions?

11 A. No.

12 Q. Before this incident that we're here about, had
13 your daughter ever been to a psychiatrist or a
14 psychologist or any mental health professional?

15 A. Speech therapist.

16 Q. Other than a speech therapist, did she have a
17 counselor or a psychiatrist or a psychologist that she
18 would see before this incident?

19 A. When she was going to the speech therapy, we
20 decided to take her -- I don't remember -- to a
21 psychiatrist because it was recommended that in addition
22 to the speech therapist to take her with a psychiatrist.

23 Q. Okay. And was that before the sexual incident
24 that we're here about?

25 A. Yes.

1 Q. And when was that that she saw a psychiatrist?

2 A. I don't remember, but it was when the speech
3 therapy was going on. About two to three years.

4 Q. How many times did she see a psychiatrist?

5 A. Multiple times, and the psychiatrist told us
6 that she didn't have any problem whatsoever.

7 Q. And do you remember what year that was?

8 A. No.

9 Q. Do you remember the name of the psychiatrist?

10 A. It was a woman, but I don't remember the name.

11 Q. Who was your daughter's pediatrician?

12 A. Well, it was Emilio before. It's just that
13 that changed. It's at a pediatrician center.

14 Q. When did that change?

15 A. I don't remember. Two to three years.

16 Q. And why did you change from your previous
17 pediatrician to the current one?

18 A. We didn't change pediatrician. The center
19 changed. We have always been to the same place.

20 Q. Has your daughter ever had any surgeries?

21 A. No.

22 Q. Does your daughter take any medications
23 regularly that are prescription?

24 A. No.

25 Q. Around the time of the sexual incident, was

1 your daughter on any prescription medications?

2 A. No.

3 Q. Was there a period of time where your daughter
4 was enrolled in Academir Charter School West?

5 A. Yes.

6 Q. And if you know the years or the dates, can you
7 share that with me?

8 A. From two years until the accident, the
9 incident.

10 Q. Did your daughter go to VPK at Academir?

11 A. Yes.

12 Q. And did she complete a full year of VPK at
13 Academir?

14 A. It doesn't appear to me whether the grade that
15 she was doing, if she completed that through VPK.

16 Q. And VPK is preschool, it's the year before
17 kindergarten.

18 Do you understand?

19 A. Yes.

20 Q. So your daughter went to VPK at Academir before
21 she went to kindergarten; is that true?

22 A. Yes.

23 Q. What was the name of her VPK teacher?

24 A. I don't remember.

25 Q. And I understand that your daughter for some

1 period also went to kindergarten at Academir?

2 A. Yes.

3 Q. And do you remember your daughter's
4 kindergarten teacher?

5 A. Ms. Chaudry.

6 Q. Is that Ms. Chaudry?

7 A. Chaudry.

8 Q. C-H-A-U-D-R-Y for the record. And did your
9 daughter start kindergarten at Academir on the first day
10 of school?

11 A. Yes.

12 Q. And what day was her last day at the school?

13 A. I don't remember the exact date.

14 Q. I can represent to you that the incident that
15 has been alleged was a Friday, January 20th.

16 Does that help refresh your recollection as to
17 when her last day would have been?

18 MR. MACDONALD: Objection, form.

19 You can answer.

20 THE WITNESS: It was over the course of the
21 days. I believe the next week. It was either on a
22 Wednesday or a Tuesday.

23 BY MS. KARRON:

24 Q. So if the incident happened on a Friday,
25 January 20th, you believe your daughter's last day of

1 school would have been the following Tuesday or
2 Wednesday; is that fair?

3 MR. MACDONALD: Objection, form.

4 You can answer.

5 THE WITNESS: I don't remember on which day
6 that was.

7 BY MS. KARRON:

8 Q. And it was approximately within a week?

9 A. Yes.

10 Q. Did your daughter miss any days of school
11 between leaving Academir and attending Kendale Lakes?

12 A. Yes.

13 Q. How many days did your daughter miss from
14 school?

15 A. It occurred in between those days, but I don't
16 exactly remember. I don't exactly remember.

17 Q. And what I'm trying to ask is whether there was
18 any days that she didn't go to school at all in the
19 transition?

20 A. Yes.

21 Q. How many days did she miss from school where
22 did she did not go to school?

23 A. I don't remember. Maybe one or two days.

24 Q. Regarding Academir, do you know what
25 supervision or safety measures the school has in place

1 for kindergartners during school hours?

2 MR. MACDONALD: Objection, form.

3 THE WITNESS: I don't remember, no.

4 BY MS. KARRON:

5 Q. And do you know what policies or procedures the
6 school has in place regarding supervising children?

7 A. No.

8 Q. Before the sexual incident that we're here
9 about, did your child have any issues or complaints with
10 the school?

11 MR. MACDONALD: Objection, form.

12 You can answer.

13 THE WITNESS: Please repeat the question.

14 BY MS. KARRON:

15 Q. Did your daughter have any problems at school
16 before this incident happened?

17 MR. MACDONALD: Objection, form.

18 THE WITNESS: No.

19 BY MS. KARRON:

20 Q. Prior to this incident, had you or anyone on
21 behalf of your daughter made any reports to the school
22 about issues with any other student?

23 A. No.

24 Q. Prior to the incident that we'll call the
25 sexual incident, did you know who L.R. was? And for the

record, I'll just clarify that. That's L.R., but I'm going to refer to him as L.R.

A. Repeat the question.

Q. Did you know who L.R. was before the sexual incident?

A. Yes. I knew all the children that were in class and the girls too.

Q. And did you ever have any -- did you or your daughter have any problems with [REDACTED] prior to the sexual incident?

A. No, I don't remember.

Q. Did your daughter ever report to you -- other than this sexual incident that we're here about, did your daughter ever report to you any other instances of inappropriate behavior that happened at school with anyone?

MR. MACDONALD: Objection, form.

THE WITNESS: Repeat the question.

THE INTERPRETER: I can repeat the question.

MR. MACDONALD: Same objection. Go ahead.

THE WITNESS: No.

BY MS. KARRON:

Q. So aside from the sexual incident, before that happened, your daughter never made any reports to you of any problems with inappropriate or sexual behavior at

1 school; is that fair?

2 MR. MACDONALD: Objection, form. And just for
3 the record, I'm going to ask you to define the term
4 sexual incident. I don't know the foundation that
5 you're asking this line of questioning. You can
6 answer if you know.

7 THE WITNESS: Repeat the question.

8 BY MS. KARRON:

9 Q. Let me first give a definition. When I refer
10 to sexual incident, I'm talking about what your
11 lawsuit -- the lawsuit that we're here about today is
12 based on about the allegation of L.R. touching your
13 daughter. That is the sexual incident. We're going to
14 call it sexual incident. That's what I'm referring to.

15 And then my question was, before the sexual
16 incident, did your daughter ever report to you any other
17 instances where there were any inappropriate behaviors
18 while she was at school?

19 MR. MACDONALD: Objection, form. Go ahead.

20 THE WITNESS: No.

21 BY MS. KARRON:

22 Q. Before the sexual incident, did your child ever
23 report that she felt unsafe at school?

24 A. No.

25 Q. Before the sexual incident, did your daughter

1 ever report that she was alone -- left alone at school
2 where adults were not present?

3 MR. MACDONALD: Objection, form. Go ahead.

4 THE WITNESS: No.

5 BY MS. KARRON:

6 Q. At any time while your daughter was at
7 Academir, did she ever report that she was left alone
8 where there was no adult supervision?

9 MR. MACDONALD: Objection, form.

10 MS. KARRON: What's wrong with the form?

11 MR. MACDONALD: You're asking him a vague
12 question.

13 MS. KARRON: I don't know what's vague. I'll
14 clarify it.

15 BY MS. KARRON:

16 Q. Did your daughter ever tell you at any time
17 that she was at school and there were no adults watching
18 her?

19 A. No.

20 Q. Now let's talk about the what I have been
21 referring to as the sexual incident.

22 What day is it that you believe the sexual
23 incident occurred?

24 MR. MACDONALD: Objection, form.

25 MS. KARRON: What's wrong with the form?

1 MR. MACDONALD: It assumes that the incident
2 happened only once.

3 BY MS. KARRON:

4 Q. What day or days do you allege that the sexual
5 incident occurred?

6 A. We don't know the exact date.

7 Q. Did anyone ever come home and tell you,
8 Something happened today? And anyone, I'm talking about
9 your child. Did your child ever tell you that she came
10 from school and said something happened today?

11 A. Yes, my wife was called from the school.

12 Q. And the records indicate that your wife was
13 initially called on January 20, 2023.

14 Do you have any reason to dispute that?

15 A. No.

16 Q. That January 20th, I will represent to you was
17 a Friday.

18 Do you know whether your daughter stayed in
19 school the entire day?

20 A. Yes. Yes, she stayed in school the whole day.

21 Q. Did she also stay in the after care?

22 A. It could be. Friday I don't remember exactly
23 what hour we went to pick her up, but I believe that she
24 was there for the whole day.

25 Q. When did you first learn that there was an

1 allegation that your daughter was touched?

2 A. Well, my wife was called on a Friday, and then
3 she spoke with my daughter and I believe that occurred
4 on that same Friday.

5 Q. Were you in the room when they spoke?

6 A. No.

7 Q. When did you first learn that your daughter was
8 alleging that she was touched?

9 A. On that same day after my wife spoke with my
10 girl.

11 Q. And is that something that your wife told you?

12 A. Yes.

13 Q. Was there ever a time where you personally
14 spoke to your daughter about being touched?

15 A. Not myself personally. We were always there.
16 My wife, my daughter, and myself.

17 Q. Okay. So did you ever ask your daughter any
18 questions about the sexual incident?

19 A. Yes.

20 Q. When was that?

21 A. I don't remember, but I know that it wasn't
22 over the course of those days. I know that it was
23 sometime later that we spoke.

24 Q. Was it after she was at the new school?

25 A. Yes.

1 Q. So she was already at Kendale Lakes Elementary
2 at the time you spoke with her about the incident?

3 MR. MACDONALD: Objection, form.

4 THE WITNESS: She brought up the subject
5 several times.

6 BY MS. KARRON:

7 Q. Tell me every time that you remember discussing
8 the subject with her.

9 A. I don't remember.

10 Q. Did you ever ask her any questions about the
11 sexual incident?

12 A. My wife and I already knew what had occurred.
13 So when we -- on those occasions when we spoke about it,
14 it was when she was the one who brought it up.

15 Q. How do you know what occurred?

16 MR. MACDONALD: Objection, form.

17 MS. KARRON: He's testified that he -- that it
18 was brought up, and that they already knew. So I
19 want to know what they knew.

20 THE WITNESS: Do I answer?

21 BY MS. KARRON:

22 Q. Yes, you can answer every time unless someone
23 tells you no.

24 A. I knew about it because on the day in which my
25 daughter and my wife had that conversation she shared

the conversation that she had had with my girl with me. Then we called DCF. We called the Department of Child and Family Services, and the man that came over from DCF spoke with my daughter. Now, I wasn't present in the room when he spoke with my daughter, but I was in an earshot, and I was able to hear from the living room. I was able to hear in the room next door the conversation they were having.

BY MS. KARRON:

Q. Did your daughter -- well, at the time she was still attending Academir, did she ever tell you about the sexual incident directly?

A. No.

Q. Is it fair to say that you only knew of the sexual incident because your wife told you what she and your daughter spoke about?

MR. MACDONALD: Objection, form.

THE WITNESS: My wife shared the conversation that she had with my daughter through the recording that she had taken of that conversation she had with my daughter. And in addition to that, I overheard the conversation that the man from DCF had with her.

BY MS. KARRON:

Q. Did you ever ask your daughter any questions about the sexual incident?

1 A. Over the course of those days, my wife and I
2 tried not to bring up that subject.

3 Q. So to answer my question, did you ever ask your
4 daughter any direct questions about the sexual incident?

5 A. What was the direct question?

6 Q. I'm asking you did you ask your daughter what
7 happened to her?

8 A. It's just I already knew what occurred.

9 Q. I understand you believe you knew what
10 occurred. I'm asking if your daughter ever directly
11 told you what occurred?

12 A. Yes.

13 Q. What questions did you ask your daughter, and
14 what did she say?

15 A. I didn't ask her any questions. The times when
16 we did speak about it was because she was the one who
17 brought it up because she was the one who was talking
18 about it.

19 Q. Okay. What did she say about it?

20 A. She spoke about the subject on many occasions.
21 Yes, she did.

22 Q. What specifically did she tell you about the
23 subject?

24 A. Well, after she was already over at the other
25 school, she, on many occasions mentioned the same thing,

1 that she had left Academir because of what had occurred
2 there.

3 Q. And what did she tell you had occurred there?

4 A. That a boy had touched her had kissed her, and
5 she had to get away from there running.

6 Q. Did she give you any other specifics?

7 A. Yes.

8 Q. Tell me.

9 A. That he had kissed her breast and her butt.

10 Q. Did you ask her any questions about that?

11 A. No.

12 Q. Did you ever -- were you ever present when
13 anyone else asked her questions about that allegation
14 that he kissed her breast and her butt?

15 A. Yes.

16 Q. Okay. Tell me about that.

17 A. With Gonzalo from DCF.

18 Q. Okay. Anybody other than DCF?

19 A. Yes. I don't remember the man's name, but it
20 was in Tampa with the psychiatrist. We were present
21 there but not in the same room.

22 Q. Is that the psychiatrist, Dr. --- I'm going to
23 mess up the name. Was that the doctor that your
24 attorney hired, if you know?

25 A. Yes.

1 Q. Did you listen to the interview that your wife
2 conducted of your daughter?

3 A. Yes.

4 Q. Were you in the room at the time?

5 A. No.

6 Q. Do you know where the interview occurred?

7 A. At the playground in the house.

8 Q. So your wife interviewed your daughter at your
9 house playground?

10 A. Yes.

11 Q. Was there ever a time where your wife and
12 yourself made a videotaped interview while your daughter
13 was in the bath?

14 A. No.

15 Q. Did you ever interview your daughter on a
16 recording?

17 A. No.

18 Q. Tell me in your own words, what is your
19 understanding of the sexual incident? And I'm going to
20 add a clarification to that, your understanding of when
21 your daughter was touched and where it occurred.

22 A. My daughter's testimony -- I know my daughter's
23 testimony from what she told -- what my daughter told my
24 wife during the recording that my wife conducted. I
25 know what my girl said to Gonzalo from DCF, and I know

1 what see told the psychiatrist that was provided by my
2 attorney. Her testimony was always the same.

3 Q. And what was her testimony?

4 MR. MACDONALD: Object to form.

5 You can answer.

6 BY MS. KARRON:

7 Q. What was what you're referring to as her
8 testimony? What did she say that was always the same?

9 A. The same thing that is in the recording. The
10 same thing that was reported with the person from DCF.
11 The same thing that she stated during the recording that
12 my wife took and the same thing that stated in the
13 psychiatrist's report.

14 Q. Well, I think you and I have a different
15 interpretation of the testimony because every testimony
16 or interview I have read has been completely different.
17 So I'm going to ask what you believe is -- what is the
18 same thing that was repeated?

19 MR. MACDONALD: Objection, form.

20 You can answer.

21 THE WITNESS: I don't want to speak about it.

22 BY MS. KARRON:

23 Q. Well, that's what we're here for, so we're
24 going to speak about it.

25 MS. KARRON: Can you repeat my question, court

reporter?

(The previous question was read back.)

THE WITNESS: She repeated that a boy from her class had physically touched her. That he had done to her the things that I have already previously repeatedly stated that he did to her, and that's what she said and that's what occurred. Now, I, myself, I know it from how it was in the -- that it was the same explanation in the recording that my wife took in the recording that was taken by the man from DCF and also on what's on the psychiatrist's report. It is always the same story. Now, about the location about where it took place, it was inside the school. I don't know of the exact date when it occurred, but she always gave the same explanation.

MR. MACDONALD: Sorry, I have to take just -- whenever you reach a good point, I'd like to take a break and get a drink of water.

MS. KARRON: Yeah, you can go ahead and take a break if you need to.

(A break was had.)

BY MS. KARRON:

Q. You testified that your daughter told the same things to your wife, to DCF, and to the psychiatrist

1 about what happened to her; is that true?

2 A. Yes.

3 Q. Okay. And before you told me when I asked you
4 what it was that happened, that [REDACTED] kissed her breast
5 and her butt and she had to get away running; is that
6 correct?

7 A. Yes.

8 Q. Okay. Was there anything else that you heard
9 that your daughter said happened to her?

10 MR. MACDONALD: Objection, form.

11 THE WITNESS: Yes. So on that day, I heard the
12 recording from the questions that my wife had asked
13 her, and I also -- so I heard the recording. I
14 heard the recording, and I also heard when other
15 people asked her questions.

16 BY MS. KARRON:

17 Q. And as far as the recording from your wife's
18 questions, what did your daughter allege happened?

19 A. She said that L.R. had sucked on her breast and
20 on her -- where she pees from. That he had kissed her,
21 and that she had to get out of there running.

22 Q. Before you said that he kissed her, so now
23 you're telling me that he sucked her breast and pee pee
24 as well?

25 MR. MACDONALD: Objection, form.

1 Mischaracterizes testimony.

2 You can answer.

3 THE WITNESS: Well, the words that my girl used
4 were he licks. He licks.

5 BY MS. KARRON:

6 Q. And do you know where she alleged this occurred
7 at, at school?

8 A. We don't know, but she said that she went over
9 and that she told the PE teacher about it.

10 Q. And you said that you listened to your wife's
11 interview of her, right?

12 A. Yes.

13 Q. And are you aware that she told your wife that
14 it happened in the school class?

15 A. Yes, but then how was it that she went over and
16 told a PE teacher about it? So we don't know the exact
17 place.

18 Q. Do you think your daughter knows the exact
19 place?

20 MR. MACDONALD: Objection, form. Argumentive.
21 You can answer.

22 THE WITNESS: I don't know whether she knows or
23 whether she remembers the exact location.

24 BY MS. KARRON:

25 Q. At the time that your wife interviewed her, was

1 that shortly after the incident?

2 A. I don't exactly remember, but I believe that
3 she asked my girl those questions. I believe that it
4 was either that Friday or that it was by Saturday. I
5 don't exactly remember on which exact day, but I know
6 that it was on the days immediately after.

7 Q. Okay. So during that interview with your wife,
8 your daughter had stated that it happened under the
9 table and in the chairs.

10 Is that what you recall?

11 MR. MACDONALD: Objection, form.

12 BY MS. KARRON:

13 Q. You can answer.

14 A. I don't remember.

15 Q. If your daughter told your wife that it
16 happened in the class on the chairs and under the table,
17 do you have any information that would tell me that that
18 is true or not true?

19 MR. MACDONALD: Objection, form.

20 You can go ahead.

21 THE WITNESS: I don't exactly remember, but my
22 girl did tell her. But, yes, my girl said she did
23 mention there. She did mention that. She did
24 mention the chair, and she also mentioned that she
25 went over to the PE teacher. So we don't know where

1 she ran on just one occasion or several.

2 BY MS. KARRON:

3 Q. And the first time that your daughter mentioned
4 anything about anything happening at PE, do you know
5 when that was?

6 A. I don't exactly remember, but I believe it was
7 in my wife's report, and that's when she spoke about how
8 she told the PE teacher.

9 Q. When did you or anyone on behalf of your
10 daughter first notify the school that you believe she
11 was physically touched?

12 A. They notified us on a Friday. They called us
13 by afternoon time. Now, I don't quite remember. I'm
14 not sure about this, but I believe that there wasn't any
15 class on Monday, so my wife and I went over to the
16 school, by the next Tuesday. We went there on Tuesday
17 to talk about -- to talk about this to them about what
18 they knew had occurred there. And then now, what the
19 school had stated wasn't exactly the same as what my
20 girl has said, and we trust her.

21 Q. Okay. Are you aware of what your daughter told
22 the school happened?

23 MR. MACDONALD: Objection, form.

24 THE WITNESS: Please repeat the question.

25 BY MS. KARRON:

Q. You're saying that what your daughter said was different from what the school said, and I'm asking if you're aware of what your daughter reported to four adults at the school happened?

MR. MACDONALD: Objection, form.

You can answer.

THE WITNESS: I don't know exactly what it was that my girl told the adults over at the school. I don't believe what she told them was different than what she reported to the person from DCF, her mom, and the psychiatrist. Now, what the school told us about it was completely different from what she told us herself about it because what she told us was that boy, that L.R., had physically touched her and had done to her the things that I've already stated that he did to her.

Now, I don't know what it was that she exactly told the people from the school. What I do know is that I don't believe that she said anything different. I don't think that she said something different from what she had already told, from what she told the person from DCF, her mom, and the psychiatrist. Now, what the people from school told us about it was that nothing physical had occurred. They told us that it had been only verbal, but my

1 girl's testimony was different. My girl's testimony
2 for both with DCF and with the psychiatrist was the
3 same.

4 BY MS. KARRON:

5 Q. You keep talking about DCF --

6 A. That's when we went to the school to clarify
7 that was it.

8 Q. You keep talking about DCF and the
9 psychiatrist, but DCF and the psychiatrist were not
10 involved until after you went to the school, right?

11 MR. MACDONALD: Objection, form.

12 THE WITNESS: DCF came that same week, I just
13 don't remember the exact date.

14 BY MS. KARRON:

15 Q. I have a report from DCF that's dated January
16 31st.

17 Does that refresh your recollection as to the
18 timing?

19 A. It was over the course of those days, I just
20 don't remember the exact date.

21 Q. Okay. And forgetting about what was told to
22 the psychiatrist because that happened months later, I
23 want to ask questions about what happened right after
24 the report was made to your wife. Now, are you aware
25 that your daughter's PE teacher, kindergarten teacher,

1 the front desk receptionist, and the school counselor
2 were all told by your daughter that she was never
3 touched?

4 MR. MACDONALD: Objection, form.
5 Mischaracterizes his testimony.

6 THE WITNESS: Yes.
7 BY MS. KARRON:

8 Q. And you're aware that what your daughter told
9 four adults at the school was completely different from
10 what she told your wife at home?

11 MR. MACDONALD: Objection, form.
12 Mischaracterizes testimony.

13 THE WITNESS: Can you repeat the question?

14 MS. KARRON: Court reporter, can you repeat the
15 question?

16 (The previous question was read back.)

17 MR. MACDONALD: Same objection.

18 THE WITNESS: I am not aware of my daughter
19 having told the school something different than what
20 she told us from what --

21 BY MS. KARRON:

22 Q. It was all different.

23 MR. MACDONALD: Objection, form.

24 BY MS. KARRON:

25 Q. So I will represent to you that the testimony

1 was that your daughter told four different school
2 employees that [REDACTED] said he wanted to kiss her on the
3 mouth and touch her butt, that he never actually touched
4 her.

5 MR. MACDONALD: Objection, form.
6 Mischaracterizes testimony.

7 THE WITNESS: My daughter told my wife who
8 recorded it, my daughter told the person from DCF,
9 and my daughter told the psychiatrist when she was
10 asked to signal the parts where it occurred, she
11 indicated using her fingers. She indicated with her
12 fingers where she had -- where the boy had either
13 licked her, as she said, kissed, or sucked.
14 Whatever you might call it.

15 BY MS. KARRON:

16 Q. Did your daughter ever indicate whether her
17 pants were removed at any time?

18 A. I don't remember.

19 Q. Do you think that's something important to
20 know?

21 MR. MACDONALD: Objection, form. Argumentative.

22 BY MS. KARRON:

23 Q. You can answer the question.

24 A. What's the question?

25 Q. You're alleging that a five year old either

1 kissed or sucked or licked another five year old's
2 genitals, and I'm asking you why is it that you didn't
3 inquire as to whether or not her pants were ever
4 removed?

5 MR. MACDONALD: Objection, form. Argumentive
6 and mischaracterizes his testimony.

7 MS. KARRON: Tell him every time I ask a
8 question he needs to answer.

9 THE WITNESS: What is the question? Whether I
10 knew that or whether I didn't want to ask?

11 MS. KARRON: Read it back, please. Kyle, if
12 could you do your objection after my question before
13 the interpreter interprets because I think that's
14 why he's not remembering my question?

15 MR. MACDONALD: Well, I'm giving the
16 interpreter a chance to interpret the question so
17 that she can then interpret my objection.

18 MS. KARRON: Well, he doesn't need to know the
19 objection.

20 MR. MACDONALD: He has a right to know the
21 objection just like everyone else here.

22 MS. KARRON: All right. We'll just keep
23 reading them back and not finish today.

24 (The previous question was read back.

25 MR. MACDONALD: Same objection.

1 THE WITNESS: Well, in order to get done what
2 he said they did to her, you don't necessarily have
3 to completely remove her pants for that.

4 BY MS. KARRON:

5 Q. Do you know whether her pants were ever pulled
6 down?

7 A. No.

8 Q. Did she ever tell you that her pants were
9 pulled down?

10 A. I don't remember.

11 Q. Do you remember her telling anyone that her
12 pants were ever pulled down?

13 A. I don't remember.

14 Q. On January 20th, that was a Friday. Did your
15 daughter wear jeans on Fridays?

16 A. I don't remember, but we also can't say that
17 that was on a Friday. What if it was on a Thursday or a
18 Wednesday?

19 Q. Well, did you go to the school demanding to see
20 the surveillance video of that Friday's classroom?

21 A. Yes.

22 Q. And were you demanding to see multiple days of
23 video, or was it only that Friday's video that you were
24 demanding to see?

25 A. When I went there, I went there wanting to only

1 see it for Friday.

2 Q. Why did you decide that Friday was the day that
3 you wanted to see?

4 A. Because that is the date when they told us that
5 that had occurred.

6 Q. And your daughter reported to your wife that it
7 had occurred under the table at school; is that correct?

8 MR. MACDONALD: Objection, form. Go ahead.

9 THE WITNESS: Yes.

10 (Defendant's Exhibit A was marked for
11 identification.)

12 BY MS. KARRON:

13 Q. And I'm going to show you what I'm going to
14 mark as Exhibit A. Hopefully my screenshare still
15 works.

16 Can you tell me if you guys can see my screen?

17 A. Yes.

18 Q. Okay. And I'll read it in English, and then
19 I'll leave it up for you to translate it into Spanish if
20 you would. This appears to be a text between
21 Ms. Chaudry and either your wife or yourself, and it
22 states, Good morning. I'm sorry if I'm bothering you
23 during the weekend, but we're very worried about
24 yesterday's incident because [REDACTED] told us that [REDACTED]
25 touched her in her intimate areas and also kissed on the

1 tits and mouth. We are very concerned because that is a
2 very serious incident. When we talked yesterday about
3 that incident, it was supposedly just verbal aggression,
4 and I appreciate you letting me know quickly but it is
5 necessary for us to meet with you on Tuesday because
6 [REDACTED] told us scary details about the incident under the
7 table at school where the kid maybe you are not aware.
8 I hope you understand [REDACTED] is our only daughter, and we
9 want the best for her. We will be at the school early
10 in the morning -- early in the morning at the school.
11 Thank you.

12 Is that your understanding of -- well, first of
13 all, are you the one that sent that text, or is that
14 from your wife?

15 A. My wife.

16 Q. And you agree that that text is talking about
17 something that allegedly happened under the table at
18 school with [REDACTED]

19 A. Yes.

20 Q. And the text was sent before you went to the
21 school and asked to see the video for Friday, January
22 20th?

23 A. Yes.

24 Q. And is it fair to say that the reason you asked
25 to see the video for Friday is because you believed that

1 the incident occurred on Friday in class?

2 A. Yes.

3 Q. And if the school had showed you the video and
4 it revealed that nothing happened in the classroom,
5 would that change your mind about your allegations?

6 MR. MACDONALD: Objection, form. Calls for
7 speculation.

8 You can answer.

9 THE WITNESS: At this moment, I believe that we
10 asked the school to show us that video for that day,
11 and they never showed us that video. Now, in
12 addition to this, we went to the police. I, myself
13 went to the police, and the police -- we asked to be
14 shown that video, and they never showed us that
15 video. Even if we asked to see it for Friday
16 because we trusted in what she -- they had told us
17 about it, we don't know for sure whether it did
18 occur on a Friday or whether it was a Thursday
19 before or Wednesday. I just wanted to know what
20 happened.

21 BY MS. KARRON:

22 Q. Did you or your wife ask your daughter when it
23 happened?

24 MR. MACDONALD: Objection, form. Asked and
25 answered.

1 THE WITNESS: I don't remember.

2 BY MS. KARRON:

3 Q. Okay. But you went to the school, and you
4 demanded to see Friday's video, correct?

5 A. Yes.

6 Q. And are you aware that the entire video for
7 Friday didn't show anyone licking anyone?

8 MR. MACDONALD: Objection, form. Argumentive,
9 mischaracterizes evidence.

10 MS. KARRON: Stop the speaking objections.
11 Just say, Form, because you're confusing things.

12 MR. MACDONALD: Well, you can have speaking
13 objections in a deposition, but okay.

14 THE INTERPRETER: I can repeat the question.

15 MS. KARRON: Thank you.

16 (The previous question was read back.)

17 THE WITNESS: They did not show us the video
18 that day.

19 BY MS. KARRON:

20 Q. That is not my question. Are you aware that
21 the video doesn't show what you claim happened on
22 Friday, January 20th?

23 MR. MACDONALD: Same objection.

24 THE WITNESS: They didn't show it to us. What
25 I'm saying is that they didn't show us that video

that day. And even when we went with the police there, even then they didn't want to show us the video.

BY MS. KARRON:

Q. Yes, that is true because the video contained other students and is private and cannot be released. I'm going to show you the police report.

MR. MACDONALD: Object to form.

(Defendant's Exhibit B was marked for identification.)

BY MS. KARRON:

Q. I'm showing you what I'm marking as Exhibit B. You can look at this yourself or have the interpreter interpret it for you. This report is dated January 25, 2023, and it says that an incident occurred from January 20, 2023.

Do you see that?

A. Yes.

Q. And on section one here, it says, Reporting person, [REDACTED].

Is that you?

A. Yes.

Q. Okay. And let's scroll down to the details. And I am going to read it and ask you a question, and then you can translate from what I'm reading. It

1 says -- this is the narrative. It says, I was
2 dispatched to incident address, Academir Preschool, 2636
3 Southwest 144th Avenue in reference to information.
4 Reporting person, [REDACTED] is the father of
5 other, [REDACTED] Other, Bello, Susie is the
6 principal of Academir School.

7 Upon arrival, contact was made with reporting
8 person, [REDACTED] who stated his daughter,
9 other, [REDACTED] is having issues with another
10 unknown male student, other unknown, and wanted the
11 unknown male removed from the class. Reporting person,
12 [REDACTED] stated he already spoke with the
13 principal, Bello, Susie about his concerns. Reporting
14 person, [REDACTED] further stated he was told he
15 could remove his daughter from the class or the school,
16 and he would like to do so.

17 So in that report that was just read to you,
18 was there anything about your daughter being touched
19 stated in there?

20 MR. MACDONALD: Objection, form.

21 MS. KARRON: What's wrong with the form?

22 MR. MACDONALD: It's argumentive.

23 MS. KARRON: Okay. That's not an objection.

24 What is wrong with the form? I'm asking him where
25 in there it says that she was touched or if he

1 touched her.

2 MR. MACDONALD: You're welcome to proceed with
3 the question, but it's argumentative.

4 MS. KARRON: Well, let's ask my argumentative
5 question again, please.

6 (The previous question was read back.)

7 MR. MACDONALD: Same objection.

8 THE WITNESS: May I speak?

9 BY MS. KARRON:

10 Q. Every time I ask a question, you can answer
11 unless your attorney says, Don't answer.

12 A. Okay. So that right there is the police
13 report. Now, on the camera that the police officer has,
14 he took a video with that camera. I'm talking about the
15 cameras that police officer have with them in front.
16 Now, on that video recording taken from the police
17 officer's camera, you can see there that I guess a full
18 detailed explanation of everything I explained to the
19 police officer, how it was that that boy had touched my
20 daughter in class, in the classroom. And if you want to
21 see that video, you can look for it yourself, and you
22 can watch that video where I explained everything in
23 full detail.

24 Now, why it is the police officer decided to
25 write such a superficial report, that I do not know. I

1 can't answer that. What I do know is that in that video
2 you can see how I do give an in-detail explanation of
3 everything that had occurred, and I also mentioned the
4 problem that my daughter had encountered. I mention in
5 that recording how it was that the school had denied
6 what had occurred.

7 In that same recording, you can see that I want
8 to see that video. I want to see the recording from the
9 school cameras to know what occurred, and that if
10 something did indeed occur, I wanted that boy to be
11 removed from the class. Now, that morning, the
12 principal from the school told me that if I didn't like
13 the school policies then I could go ahead and remove my
14 daughter and take her over to a different school.

15 Q. Did the police offer to conduct an
16 investigation?

17 A. I don't remember but all that occurred was that
18 we filed a report, and that was it.

19 Q. Isn't it true that you told the police is all
20 you wanted was to see the cameras and have the boy
21 removed from the school?

22 A. I wanted to see the cameras, and what I wanted
23 is if in those cameras that that was true, that what I
24 wanted was that boy to be removed from the classroom,
25 not from the school.

1 Q. And did you decline for the police to have an
2 investigation launched?

3 A. I don't remember.

4 Q. Did the police tell you that the only way to
5 see the video would be if an investigation was launched
6 and a detective became involved?

7 A. It's not clear to me, but the police officer
8 was always like telling me in this manner. He would
9 always just tell me, Oh, this is something that is
10 normal. Nothing happened here. This is a very simple
11 affair, very superficial, which you can see yourself in
12 the final police report.

13 Q. Okay. So you believe that the police told you
14 that this was normal and nothing happened.

15 Is that your testimony?

16 MR. MACDONALD: Objection, form.

17 MS. KARRON: What's wrong with the form?

18 MR. MACDONALD: It's argumentative and
19 mischaracterizes his testimony.

20 MS. KARRON: We can read back his testimony if
21 you'd like. Can you read it back, court reporter,
22 so we're not mischaracterizing anything?

23 (The previous answer was read back.)

24 BY MS. KARRON:

25 Q. So I'll repeat my question so we're not

mischaracterizing testimony.

Did you or did you not just testify that the police told you that this was something normal and nothing happened here?

MR. MACDONALD: Objection, form.

THE WITNESS: The police tried to address it as simply as possible. In the police report, they never mention sexual harassment. The police didn't mention sexual harassment which was the main reason I called the police. It was because of the sexual harassment. So why is it that sexual harassment is not included in the report? Why is it that instead they just use the term issue instead of what it was, sexual harassment, the reason why the dad called them in the first place?

BY MS. KARRON:

Q. So you testified the police told you that it was normal and nothing happened. I'm going to show you now the video, and you can tell me where you hear the police say that. And I'm not sure that needs to be translated to English because you're speaking in English, but I don't have a preference.

MR. MACDONALD: Objection, form. And you're welcome to show the video in certain parts, but I'm going to object to any questions that you ask in

1 which the video is in English.

2 MS. KARRON: He gave the testimony to the
3 police in English, so you can object to them too,
4 but we're going to play it.

5 MR. MACDONALD: Okay. You're welcome to play
6 it, but I'm going to object to the line of
7 questioning. We have a translator here that --

8 MS. KARRON: Well, the translator can translate
9 the video. You can't have it both ways, Kyle.
10 We'll either translate the video or we won't, but
11 you're not objecting about it coming in. So however
12 you want to do, you let me know.

13 MR. MACDONALD: Again, if you want to do
14 certain parts and have it translated by the
15 translator, we're willing to do that. I'm saying
16 for the entire video --

17 MS. KARRON: He spoke to the police in English.
18 He didn't speak in Spanish to the police.

19 MR. MACDONALD: Correct, right. But for
20 example, what if the police are saying something
21 that he's not understanding what he's saying.
22 That's why a translator is here.

23 MS. KARRON: We'll go ahead and translate it
24 back then. Let me get the video if I can make it
25 play. My computer is not responding. It's going to

take a minute.

MR. MACDONALD: Do you mind if we take a break while you get that set up?

MS. KARRON: Yeah, go ahead.

(A break was had.)

BY MS. KARRON:

Q. Are you able to see my screen?

MS. MARHEFKA: We can't hear it or see it. I can try and play it on mine.

MS. KARRON: I think it'S at 13:06.

(A video was played.)

MS. KARRON: Can you pause, Julie?

THE INTERPRETER: For the interpreter, I apologize, but I only will be able to translate some portions of what was said just because there is some voice of a woman speaking at the same time, and it's very confusing. So I can't hear what the police officer is saying.

MS. MARHEFKA: So maybe it's helpful to ask him a question, and then we can replay if he wants to hear it again.

BY MS. KARRON:

Q. Sir, did you hear the police in that interview offer to conduct an investigation?

MR. MACDONALD: Objection on the grounds that's

not translated.

MS. KARRON: We're going to translate if he needs it.

MR. MACDONALD: Same objection.

THE WITNESS: On that video, I can't even hear my own voice properly. However, please remember that even if I did speak in English in that video, my native tongue, my main tongue, is Spanish. And on that day, I had to do all of that, all of the filing of that report in English. I had to hold that conversation for filing the report for an hour or perhaps even over an hour because the officer did not speak Spanish.

BY MS. KARRON:

Q. Did you request to speak to a Spanish speaking officer and give the report in Spanish?

A. On that day, I only spoke in English with them.

Q. Did you request -- my question was did you request a Spanish speaking officer or to give the report in Spanish?

A. No.

Q. Okay. And toward the end of the video, you were telling the police that there were prior incidents with this boy?

MR. MACDONALD: Same objection concerning the

1 language.

2 BY MS. KARRON:

3 Q. Do you recall telling the police that there
4 were prior incidents with the same child, [REDACTED]

5 A. Before that day, about talking about that
6 specific type of incident, I'm talking about sexual
7 harassment type of incidents that had never occurred
8 before then. Now, maybe yes for other things. That boy
9 wasn't really considered the best kid in class, but I
10 don't remember. It could be that there were other
11 incidents with this same kid just not sexual harassment,
12 the other type of incident, but not the type of sexual
13 harassment.

14 Q. When I asked you earlier, did you not testify
15 that there were no prior issues with this child?

16 A. Not sexual harassment.

17 Q. I asked you if there were any issues with the
18 child, and you told me there were no prior issues.

19 Were you telling the truth then, or are you
20 telling the truth now?

21 MR. MACDONALD: Objection, form.

22 THE WITNESS: As I was saying, I previously
23 answered no because I thought that you were
24 referring to sexual harassment or referring to what
25 had happened on that day or referring to something

1 similar to what had happened on that day.

2 BY MS. KARRON:

3 Q. So would you like to now change your testimony
4 that there were other incidents with the same child?

5 MR. MACDONALD: Objection, form.
6 Argumentative.

7 THE WITNESS: I'm not changing my testimony.
8 What I'm saying is that not with this kid, not with
9 any other kid had we previously had this type of
10 problem.

11 MS. KARRON: Court reporter, can we go back if
12 I can narrow down where it was. It would be around
13 the questions I asked, have you or your child had
14 any previous issues with the school? Can you search
15 for that?

16 THE COURT REPORTER: Give me just one second.
17 (A previous question and answer were read
18 back.)

19 MS. KARRON: Thank you. Now, Julie, can we
20 play the video, and then we can stop and interpret?

21 MS. MARHEFKA: I'm going to press play. It's
22 at 14:25. Let me know if there is any issues.

23 (Video playing.)

24 MS. KARRON: Pause, Julie. I guess,
25 interpreter, if you could just interpret what you

1 recall from that, and we can rewind if you need.

2 THE INTERPRETER: I'll interpret what I was
3 able to hear.

4 BY MS. KARRON:

5 Q. Is there anything, sir, that you need me to
6 replay, or did you understand what the interpreter just
7 said?

8 A. Yes, I understood her.

9 MR. MACDONALD: Same objection regarding the
10 language.

11 MS. KARRON: She interpreted it. What is your
12 objection?

13 MR. MACDONALD: She said she interpreted what
14 she could hear, and that she was having trouble
15 hearing all of it. I object on the grounds that he
16 is not able to hear it.

17 MS. KARRON: Isn't it the same fundamental
18 fairness where you played the whole video when I
19 asked you to, or when you only played the parts that
20 showed what you wanted?

21 MR. MACDONALD: I don't know anything of that
22 is necessary, Julie. Continue with your
23 questioning.

24 MS. KARRON: Let's go to section 20 minutes and
25 50 seconds, Julie.

1 (Video playing.)

2 MS. KARRON: Pause. Maybe just rewind a tiny
3 bit further and play again, and I'll have them
4 translate that question and answer so there is no
5 confusion on fundamental fairness issues.

6 (Video playing.)

7 MR. KARRON: Pause.

8 BY MS. KARRON:

9 Q. Sir, what did you understand that question that
10 you were asked to mean?

11 A. I don't remember. I would have to watch
12 everything that is said before that on that same video.

13 Q. You would have to watch everything to what?

14 A. All of the conversation so I can know what it
15 was that I was talking about then because we were -- we
16 held that conversation for more than an hour.

17 Q. All right. Let's go to -- hold on. Do you
18 remember telling the police that you didn't want your
19 daughter moved to another classroom because you didn't
20 want her to feel guilty?

21 A. Yes.

22 Q. Did you feel guilty about moving your daughter
23 to a different school?

24 MR. MACDONALD: Objection, form.

25 BY MS. KARRON:

1 Q. Were you worried about your daughter being
2 moved to a different school that that would be worse
3 than moving her to a different class?

4 MR. MACDONALD: Objection, form.

5 THE WITNESS: Yes, we were concerned.

6 MS. KARRON: Okay. Can you play 32 minutes?

7 (Video playing.)

8 MS. KARRON: Can you please go back just to the
9 last statement that he made, the last answer that he
10 gave in the video for just maybe 20 seconds or ten
11 seconds?

12 (Video playing.)

13 BY MS. KARRON:

14 Q. In that clip of the interview that you heard,
15 did you hear the police ask to confirm what you were
16 looking for them to do?

17 A. Yes. I don't remember exactly how each and
18 every moment occurred, but I do know -- I do remember
19 that I told them -- I told the police that what I wanted
20 to see were the cameras. I wanted to see the cameras.
21 And if in the cameras something indeed had occurred as
22 my daughter stated that it had occurred, then I wanted
23 that boy to be changed over to a different classroom.

24 Now, the police then went inside the school,
25 and I believe that they spoke to the principal, and I

1 don't remember who else they spoke with inside the
2 school while they were there. I stayed parked outside.
3 I was maybe one to two blocks away from the school
4 waiting outside. When they finally came out from the
5 school, they headed over to where I was at, and they
6 told me that the school had not approved showing the
7 recording, the camera recordings. So they asked me, Do
8 you want to file a report? And I said, Yes, I want to
9 file a report because they didn't want to show the
10 cameras. That was it.

11 MS. KARRON: Move to strike as nonresponsive.

12 Court reporter, can you read back my question?

13 (The previous question was read back.)

14 MR. MACDONALD: Objection, form.

15 MS. KARRON: What's wrong with the form?

16 MR. MACDONALD: Asked and answered.

17 MS. KARRON: That wasn't an answer. I heard
18 five minutes of nonresponsive answers. We can read
19 it back if you want to.

20 MR. MACDONALD: That's your position, Julie.

21 MS. KARRON: What's the answer?

22 MR. MACDONALD: You can ask it again.

23 MS. KARRON: Court reporter, can you read the
24 question again?

25 (The previous question was read back.)

1 MR. MACDONALD: Same objection.

2 THE WITNESS: Yes.

3 BY MS. KARRON:

4 Q. Okay. And did you tell them that you wanted
5 them to launch an investigation at any time?

6 A. I don't remember.

7 MS. KARRON: Julie, can you play 36 minutes?

8 (Video playing.)

9 MS. KARRON: Can you interpret that?

10 BY MS. KARRON:

11 Q. Based on what you just heard, do you agree that
12 the reason the police wrote the report saying you wanted
13 the boy removed and there were issues from the school is
14 because that is what you agreed should be in the report
15 just now that we heard?

16 MR. MACDONALD: Objection, form.

17 THE WITNESS: Could you repeat the question?

18 MS. KARRON: Yeah. Can you read it back?

19 (The previous question was read back.)

20 MR. MACDONALD: Same objection.

21 THE WITNESS: I don't remember having spoken to
22 the police about anything about what was going to be
23 written on the report.

24 MS. MARHEFKA: I think if you mute while he's
25 talking there will be less echo for the interpreter.

1 MR. MACDONALD: Okay. Noted.

2 THE WITNESS: I was even expecting the report
3 would show the reason I was calling the police in
4 the first place which the reason that I was calling
5 them because my girl had suffered from physical
6 harassment from a kid in her class and because the
7 school was hiding all of this. That is why I wanted
8 to speak to the police about the school. That is
9 why I went to speak to the school, and that is why I
10 wanted to see those videos and I wanted that boy
11 removed from the class not from the school. I just
12 wanted him to be removed from the class, and that is
13 why I contacted the police.

14 BY MS. KARRON:

15 Q. Isn't it true that you declined the police's
16 offer to have a formal investigation with a detective?

17 MR. MACDONALD: Objection, form.

18 THE WITNESS: I don't remember having declined
19 an offer. And if I did, I just don't remember.
20 What I do remember is that they told me, If you
21 would like for us, we can go speak with the
22 principal and we can speak to the people from the
23 school and they can show us the cameras so we can
24 know what it was that happened and if something
25 didn't happen or if something did happen. And they

changed the boy over to a different class then we don't file a report, and I said, Okay. But what happened was that they didn't -- they didn't show that. So that's why the report was made, and that's all I remember.

BY MS. KARRON:

Q. And after the school would not allow the police to show you the video, did you continue to make any further police reports?

A. Yes. Afterwards I did tell them to make the report.

Q. Did you make any other reports after you received -- or did you make any other reports after this report on January 25th of 2023?

A. No.

Q. Okay. So the first report to the school was January 20th, and the first report to the police was January 25th. In the time between January 20th and January 25th, had you already talked to a lawyer? And I don't want to know what your lawyer told you. I just want to know if you had already talked to a lawyer.

A. My wife and me had agreed on contacting an attorney, but the one contacted and called an attorney was my wife. I don't remember the exact date for that.

MS. KARRON: Julie, can you play at 20 minutes

and 50 seconds, please?

(Video playing.)

MS. KARRON: Okay. You can pause.

BY MS. KARRON:

Q. So on January 25, 2023, you just told the police in the video we saw that you were talking to your attorney today.

Is that true or not true?

MR. MACDONALD: So I just want to instruct him, he can answer the question but not to reveal any communications that you may have had with an attorney.

MS. KARRON: So I would like to give a caveat that he waived the privilege at that moment when he disclosed what he spoke to his attorney about, and we just heard it.

MR. MACDONALD: He did not waive privilege, and I'm going to instruct him not to answer.

MS. KARRON: We can play it again, but I know that he said he talked to -- his attorney told him he could sue the school and, it could be a federal civil rights case. We can play it again if you need to hear it again.

MR. MACDONALD: And you don't know who he was talking to and --

1 MS. KARRON: I'm not asking him -- okay. I
2 want to know about -- what was my last question?
3 Did he talk to an attorney that day, yes or no?

4 THE WITNESS: Yes, but the attorneys, they were
5 not the attorneys that we currently have. As I said
6 before, I work in IT; but while working in IT, I
7 worked for attorney companies before. So the one
8 who I called was an attorney friend of mine, and I
9 asked him about it.

10 BY MS. KARRON:

11 Q. Okay. Did you take your daughter to any type
12 of doctor or mental health professional before you
13 talked to a lawyer?

14 A. No.

15 Q. Okay. Did you or anyone on your daughter's
16 behalf ever file a document or written electronic
17 submission making a formal complaint of sexual
18 harassment to Academir?

19 MR. MACDONALD: Objection to form.

20 THE WITNESS: When you say you, are you
21 referring to my wife and myself?

22 BY MS. KARRON:

23 Q. Yes, or anyone else on behalf of your daughter.

24 MR. MACDONALD: Same objection.

25 THE WITNESS: Only that we filed with our

1 current attorney.

2 BY MS. KARRON:

3 Q. So is it true that you never made a written,
4 formal, signed complaint alleging sexual harassment at
5 Academir?

6 MR. MACDONALD: Objection, form.

7 MS. KARRON: What's wrong with the form?

8 MR. MACDONALD: It's misleading when you say a
9 formal complaint. It lacks a foundation for the
10 final question.

11 MS. KARRON: Let me lay some foundation and ask
12 you to translate this for me.

13 BY MS. KARRON:

14 Q. According to the Title Nine Policies and
15 Procedures of Miami-Dade County, a formal complaint of
16 sexual harassment requires that a document must be filed
17 by a complainant by a document or an electronic
18 submission that contains the complaint in physical or
19 digital signature or otherwise indicates that the
20 complainant is the person filing the formal complaint.
21 And I can read that again if you need to.

22 Was that ever done by you or anyone on your
23 daughter's behalf?

24 A. No.

25 MR. MACDONALD: Same objection.

1 BY MS. KARRON:

2 Q. What do you think that Academir could have done
3 differently in this case?

4 A. Saying the truth.

5 Q. Which truth?

6 A. What our girl told us.

7 Q. What your girl told the four adults at the
8 school, or what your girl continued to say over time?
9 Which one?

10 MR. MACDONALD: Objection, form.

11 Argumentative.

12 THE WITNESS: What my daughter said -- what my
13 daughter told us, what my daughter told us, the
14 parents, what my daughter told the DCF agent, what
15 my daughter told the psychiatrist, and what my
16 daughter keeps saying even to this day because she
17 has not forgotten about it.

18 BY MS. KARRON:

19 Q. Do you have any evidence that your daughter was
20 physically touched other than what one of her stories
21 was?

22 MR. MACDONALD: Objection, form.

23 Argumentative.

24 THE WITNESS: No.

25 BY MS. KARRON:

1 Q. At the time of the sexual incident, did your
2 daughter know the difference between telling the truth
3 and telling a lie?

4 MR. MACDONALD: Objection, form.

5 THE WITNESS: Can I answer?

6 BY MS. KARRON:

7 Q. You ask answer every single question. You
8 don't have to ask your attorney if you can answer.

9 A. Yes, she does know what a lie is versus what
10 the truth is because mom and dad have taught her -- all
11 the way until she was five years old until now have
12 taught her to speak the truth always, and that is the
13 same reason why we're taking this case all the way to
14 the end because we believe in her. She's a girl that
15 always speaks the truth. Now, we used to trust the
16 school until we realized that they were lying.

17 BY MS. KARRON:

18 Q. If your daughter always speaks the truths then
19 why did she tell a different story to four adults at the
20 school?

21 MR. MACDONALD: Objection, form. Argumentative,
22 and harassing.

23 MS. KARRON: She's an opposing side. This is
24 not about argumentative. He is an adverse witness.

25 MR. MACDONALD: Same objection.

THE WITNESS: I don't know what it was that she told the school. What I do know is what she spoke to people in front of me, what I, myself, heard. Why would I believe what the school says that that's what they spoke about with her when the reason why I decided to take her out of the school is because she would always speak about what had occurred to her? So why would it be any different what she told them to what she told us immediately after what she told the psychiatrist? Why would it be different than what she told the person from DCF right there in the room next to me? How would it be any different than what she told mom and dad in the record?

BY MS. KARRON:

Q. You keep talking about the psychiatrist, but that's an expert that was hired -- or a purported expert that was hired by your attorney who talked to your daughter months after the incident. I'm talking about people that talked to your daughter immediately after the incident was alleged.

Are you aware that your daughter's former kindergarten teacher, Ms. Chaudry, testified that your daughter clearly stated to her that it was only a verbal comment and told her that no one touched her?

MR. MACDONALD: Objection, form.

1 THE WITNESS: Over the course of those same
2 days, she spoke with mom and dad, and she also spoke
3 with DCF. We, ourselves, are not experts, and she
4 always spoke the truth.

5 BY MS. KARRON:

6 Q. Was she speaking the truth to Ms. Chaudry when
7 she told her that nobody touched her?

8 MR. MACDONALD: Objection, form.

9 THE WITNESS: I don't know what it was that she
10 told Ms. Chaudry. What I do know is what she told
11 mom and dad, and I trust in her truth. She told us
12 her truth. The truth that I have kept hearing, the
13 truth that she's always repeated again and again.
14 What we believe is that the school wanted to hide
15 everything, that the school even attempted which on
16 several occasions which is why we ended up changing
17 her to a different school.

18 They attempted to talk to her again and again
19 about the same subject to try and make her change
20 her perspective even when we asked the school to
21 stop talking about the subject with her. They still
22 kept talking to her about it which is why we ended
23 up removing her from the school.

24 BY MS. KARRON:

25 Q. When did you ask the school to stop speaking to

1 your daughter about it?

2 A. My wife was the one who did it. It was over
3 the course of those days. I don't remember.

4 Q. Isn't it true that Ms. Ruiz, the school
5 counselor, interviewed both your daughter and [REDACTED] and
6 that occurred before anyone spoke to the school about
7 not speaking to your daughter?

8 MR. MACDONALD: Objection, form.

9 THE WITNESS: Yes, but Ms. Ruiz spoke to her --
10 spoke with her about it again after that too after
11 that. Even after that we had already asked her not
12 to do that because Ms. Ruiz later on called my wife
13 and told my wife that she had spoken about the
14 subject with our daughter again, and my wife told
15 her -- told her that she had already asked her not
16 to talk about the subject with her again.

17 BY MS. KARRON:

18 Q. Was that before or after you went screaming at
19 the school and called Ms. Valladares a cunt?

20 MR. MACDONALD: Objection, form. Argumentative,
21 harassing.

22 MS. KARRON: Okay.

23 THE WITNESS: Could you repeat it again?

24 BY MS. KARRON:

25 Q. Yeah. Did you go to the school screaming and

1 call Ms. Valladares, the assistant principal, a cunt in
2 front of students?

3 MR. MACDONALD: Object to form.

4 THE WITNESS: That never occurred. That's a
5 lie.

6 BY MS. KARRON:

7 Q. You never went to the school and cursed in
8 front of children and yelled?

9 A. No.

10 Q. And if witnesses said they heard you, then
11 everybody's lying and not you?

12 MR. MACDONALD: Objection, form.

13 THE WITNESS: They're lying.

14 BY MS. KARRON:

15 Q. Everybody is lying in this case. The teachers
16 are all lying, the teachers that don't work there
17 anymore, right, and the school teacher that doesn't work
18 there anymore, Ms. Chaudry, she must be lying in order
19 for this to be true. And the counselor that doesn't
20 work there anymore must also be lying and also the PE
21 teacher that doesn't work there anymore. According to
22 you, everyone has to be lying except for your daughter
23 and you; is that right?

24 MR. MACDONALD: Objection, form. That's
25 argumentative, harassing, and --

1 MS. KARRON: Hold on. No speaking objections.

2 MR. MACDONALD: Please let me finish my
3 objection.

4 MS. KARRON: Form. You can say, Form.

5 MR. MACDONALD: Please let me finish my
6 objection.

7 MS. KARRON: Your objection is improper.
8 You're trying to lead your witness into talking.

9 MR. MACDONALD: Again, I would like to finish
10 my objection.

11 MS. KARRON: Your objection is form. It's
12 noted.

13 MR. MACDONALD: Again, I would like to finish
14 my objection. It assumes facts not in evidence, and
15 it mischaracterizes his testimony.

16 BY MS. KARRON:

17 Q. You can answer the question.

18 A. Not everyone is lying, but what my girl told us
19 is not a lie. What she told DCF is not a lie. What my
20 girl told the psychiatrist is not a lie.

21 Q. Isn't it true that you influenced your
22 daughter's testimony by you or your wife asking her
23 leading questions that you weren't trained to ask and
24 creating false memories and only then did her story
25 evolve over time and change?

THE INTERPRETER: Counsel, please repeat the question.

MS. KARRON: Isn't it true that -- court reporter, can you read it back? I don't remember.

(The previous question was read back.)

MR. MACDONALD: Objection, form. Harassing.

THE WITNESS: The fact that our daughter spoke the truth is not her being influenced. The fact that when she was asked what happened she told the full truth. It's not her being influenced. She is not -- she was not being influenced. No one influenced anyone else. And we, as parents, are very saddened by this.

BY MS. KARRON:

Q. If you believe that your daughter was sexually touched, then why did you tell the police on January 25th, just a few days later, that you just wanted to see the video to know the truth?

MR. MACDONALD: Objection, form.
Mischaracterizes testimony.

THE WITNESS: We had put our trust in the school, and we just wanted them to show us the cameras. That's what we wanted.

BY MS. KARRON:

Q. Okay. And if the school showed you the cameras

1 and the cameras didn't show you anything, what would
2 that have changed?

3 MR. MACDONALD: Objection, form. Asked and
4 answered.

5 THE WITNESS: If the day the police went there,
6 if the police, by them going there, if they had
7 allowed to show the cameras, then if they had
8 authorized that and if by doing that the cameras had
9 not shown anything on them, then we wouldn't have
10 done anything about this. But they did not show
11 those cameras, and they did not agree to change that
12 boy over to a different class. And I'm talking
13 about changing him to a different class, not to a
14 different school. They did nothing, and the only
15 thing that they told us is if we didn't like the
16 school then we could go ahead and change our
17 daughter to a different one.

18 BY MS. KARRON:

19 Q. And if the eight hours of video surveillance
20 show that no bit of clothes were removed and no one was
21 licked or touched, do you agree that this could be a
22 mistake by your daughter?

23 MR. MACDONALD: Objection, form.

24 THE WITNESS: My daughter always speaks the
25 truth. She always told us the truth. And in

addition to that, how would we know exactly on which day it occurred? How would we know that they didn't modify what's being -- the information being shown on the cameras?

BY MS. KARRON:

Q. Okay. So now you believe that if the videos don't show what you're saying that the cameras were modified? Is that what you're saying?

MR. MACDONALD: Objection, form.
Argumentative.

THE WITNESS: What I believe is that we do not trust the school because they have hidden the truth from us because they denied -- because they didn't want to show us the cameras. Even when we went there with the police they didn't want to show the cameras then, and when we spoke with the professors there the only option that they gave us was just to change our daughter over to a different school. This whole situation has proven very difficult for mom and dad in addition to our little girl because we have to change her over to a different school because after all everything that happened.

MR. MACDONALD: Whenever you finish your line of questioning, can we take a break, please?

BY MS. KARRON:

1 Q. Didn't you tell the police that the school
2 offered to move your daughter to a different classroom
3 within the school?

4 A. I don't remember, but I know that Susie Bello
5 who I spoke with over the phone, what she told us was
6 that if we didn't like the school's policy then we could
7 just go ahead and change our girl over to a different
8 school. That's what she told us, and that's what we had
9 to do.

10 Q. How many medical professionals did you take
11 your daughter to see before you called the police and
12 contacted a lawyer?

13 A. None.

14 MS. KARRON: All right. You can go ahead and
15 take a break now, Kyle.

16 (A break was had.)

17 BY MS. KARRON:

18 Q. Do you believe that the police discouraged you
19 from requesting an investigation in any way?

20 A. The police were very -- they were very passive.
21 In reality, they told me that we could just speak --
22 they told me that at first we could just speak about it.
23 And then when -- after that, I remember that the female
24 officer then told me that because of how it came to be
25 that the only option that I had was to open an

1 investigation.

2 Q. And did you open an investigation?

3 A. Well, not an investigation. I'm talking about
4 opening and making the police report. I really don't
5 know much when it comes to the police terminology. They
6 just told me, Do you want to open a report? And I said,
7 Yes, let's do the report.

8 Q. Well, we'll let the video speak for itself
9 about what you said, and what they said.

10 Are you aware of what efforts Academir took to
11 address the behavior of [REDACTED]

12 MR. MACDONALD: Objection, form.

13 THE WITNESS: No.

14 BY MS. KARRON:

15 Q. So you don't know one way or the other whether
16 they disciplined him or gave him a referral that's in
17 his permanent record?

18 MR. MACDONALD: Objection, form.

19 THE WITNESS: No.

20 BY MS. KARRON:

21 Q. Have you ever discussed concerns about
22 supervision or safety with the school administration at
23 any time?

24 A. We did pull the conversation with the school in
25 regards to our daughter, not in regards to the school

1 safety.

2 Q. Are you aware that the school supervises
3 students -- at all times, students are never left
4 without an adult?

5 MR. MACDONALD: Objection, form.

6 THE WITNESS: We had to take our daughter over
7 to a different school. I'm not aware of anything in
8 regards to what's going on at the school.

9 BY MS. KARRON:

10 Q. You sent your daughter back to school the
11 Tuesday after the incident, didn't you?

12 A. Yes. She went to school with us.

13 Q. She went to school and stayed through the after
14 care on Tuesday, didn't she?

15 A. Yes.

16 Q. And you weren't concerned about her safety,
17 were you?

18 MR. MACDONALD: Objection to form.

19 THE WITNESS: That day we went to the school
20 together with our daughter. She stayed at school
21 while mom and dad were trying to clarify the
22 situation with the school. Now, I don't remember if
23 it was by the next day, but I do remember that she
24 went to school, but I do remember that the reason we
25 removed our daughter from the school and changed her

to a different one was because of Ms. Ruiz' insistence on speaking with our daughter about that subject despite us already asking of her not to speak about the subject with her again.

BY MS. KARRON:

Q. Since the time of the sexual incident, what professionals has your daughter seen? Not talking about the expert your attorney hired that you went to see in Tampa, what professionals have you taken your daughter to see?

A. We're trying for our daughter to forget what happened.

Q. So is the answer that you haven't taken your daughter to see a psychiatrist or a psychologist or any other professional?

A. No.

Q. Do you have any evidence that Academir's handling of the incident had anything to do with your daughter's gender?

MR. MACDONALD: Objection, form. Calls for a legal conclusion.

THE WITNESS: No.

BY MS. KARRON:

Q. Has your child had any behavioral issues or issues with her grades in school as a result of the

sexual incident?

A. She's always had good grades. Now, whenever she hears the word bully, whenever she hears the word bully mentioned, she remembers that. And she not only remembers that without her parents, she also remembers it when she is speaking with her little friends' parents or when it's mentioned at school.

Q. Has your daughter had a decline in her grades since she has been at Kendale Lakes Elementary?

A. No.

Q. Is your child experiencing any behavioral issues?

MR. MACDONALD: Objection, form.

THE WITNESS: No.

BY MS. KARRON:

Q. Did you meet with Dr. Gregory Iannuzzi, the expert, in Tampa? Did you personally speak with him?

A. Yes.

Q. How many times did you speak with him?

A. Twice: Once before getting there, and the second time was we met there in person.

Q. And what did you discuss with him when you spoke with him before the interview?

A. Before the interview, we spoke -- I believe it was only about the date in which we were meeting, and I

1 think that was it. I don't remember.

2 Q. And did you hear the interview as your daughter
3 was giving it to the Dr. Iannuzzi?

4 A. Yes.

5 Q. And do you believe that your daughter said
6 anything to the expert about being touched while in her
7 classroom?

8 MR. MACDONALD: Objection, form.

9 THE WITNESS: Yes.

10 BY MS. KARRON:

11 Q. And you also believe that she told him that
12 something happened to her in the classroom under the
13 table?

14 A. Yes.

15 Q. Her story was consistent with everyone she
16 talked to, right?

17 MR. MACDONALD: Objection, form.

18 Argumentative.

19 THE WITNESS: I don't understand the question.

20 BY MS. KARRON:

21 Q. If I have you -- so you told me that you were
22 present during your daughter's interview with the
23 therapist.

24 A. Yes.

25 Q. So if the transcripts of that interview didn't

1 say anything about the classroom or under the table from
2 your daughter, what would be your response?

3 MR. MACDONALD: Objection to form.

4 THE WITNESS: I don't remember the transcript,
5 but she did mention that to him during the day of
6 the interview.

7 BY MS. KARRON:

8 Q. Are there any relatives of your daughter that
9 still go to Academir?

10 A. Her cousins.

11 Q. Do her cousins have any problems at the school
12 that you know of?

13 A. No.

14 Q. What's your understanding of the term sexual
15 harassment that you kept using throughout the
16 deposition?

17 A. When someone touches or does something sexual,
18 does something of a sexual nature to you without your
19 consent.

20 Q. And can sexual harassment, by your definition,
21 happen only one time?

22 A. Well, she told Dr. Iannuzzi that that had
23 occurred on more than one occasion, and she said the
24 same thing to DCF.

25 Q. After this incident, the sexual incident, how

1 was your daughter exposed to future potential harm?

2 MR. MACDONALD: Objection, form. Legal
3 conclusion.

4 THE WITNESS: Repeat the question.

5 MS. KARRON: Court reporter?

6 (The previous question was read back.)

7 MR. MACDONALD: Same objection.

8 THE WITNESS: Our daughter has never been
9 exposed. We have always taken care of her, and that
10 is what we were expecting would be the case when she
11 was inside Academir.

12 BY MS. KARRON:

13 Q. Do you know what the results of the DCF
14 investigation was?

15 MR. MACDONALD: I just don't want you to say
16 anything that we have talked about, but you can
17 answer if you know.

18 THE WITNESS: I don't know. I didn't get to
19 read it -- yes.

20 BY MS. KARRON:

21 Q. If you reported to the school a sexual incident
22 on January 24th and DCF was notified by January 31st, in
23 the time that a week elapsed, what would have changed
24 had the school notified DCF on the same day you told
25 them? And I'm going to ask that in a better way.

So you reported the incident to the school on January 24th. You reported it to DCF January 31st. What change do you believe would have occurred in the DCF investigation if it had been reported to them one week sooner?

MR. MACDONALD: Objection, form.

THE WITNESS: I believe nothing would have because what she told DCF was the same thing she had told mom and the same thing she had told the psychiatrist.

MS. KARRON: I have no further questions.

MS. MARHEFKA: I just have a couple of questions, counsel for Superior. And, Kyle, I just want to say for the record, we had requested these depositions in July. So, you know, we're over a month from when it was noticed, and you gave us the availability for them starting at noon today. So we didn't have much to work with. So I just want to throw that out there.

MR. MACDONALD: I understand --

FURTHER DIRECT EXAMINATION

BY MS. MARHEFKA:

Q. Good evening, sir.

MR. MACDONALD: If you are going to say something on the record to me, I would like to

respond. I just want to say that while I understand -- I just want to respond briefly. While I understand what you're saying, you didn't tell me that you had a had a hard stop time and/or tell them that. So it's not fair for them to make them appear for a deposition --

MS. MARHEFKA: If you don't --

MS. KARRON: In federal court, I've never heard of anybody going on after 5:00 --

MR. MACDONALD: They have taken the day off. So it's just not fair to them to say that they have to reset it because you said you have a hard stop at 5:00 p.m. We didn't know that. They didn't know that. They assumed they were having their depositions taken today.

MS. KARRON: So you would go to 10:00 p.m. if we want to go to 10:00 p.m.?

MR. MACDONALD: If that's what we have to do. They would prefer that as opposed to having to make arrangements for childcare and for getting time off work.

MS. KARRON: What if we could do it after their work hours? Then they -- she doesn't have to get time off of work, and childcare can be taken care of by her husband after work, right? Maybe we can work

1 something out like that.

2 MR. MACDONALD: Okay. Again, I mean, we can
3 just agree to disagree; but, you know, I explained
4 it that we could keep going --

5 MS. MARHEFKA: She she's shaking her head.
6 Does she not agree to make time for us? I don't
7 understand.

8 MR. MACDONALD: Again, I have shared with you
9 why they don't feel comfortable resetting it because
10 they had to make arrangements to be here, and it's
11 unfair to them to say that we're no longer going to
12 take it because there is some of arrangement --

13 MS. KARRON: Well, maybe we can do it during
14 the mediation instead of push the mediation back if
15 they're available for that day.

16 MR. MACDONALD: Again, if you're able to get
17 leave from the court to do that, we certainly can do
18 that.

19 MS. KARRON: We still have time to -- the
20 mediation doesn't have to happen until mid September
21 I think.

22 MR. MACDONALD: Okay. That's your position.

23 MS. MARHEFKA: What about after hours this
24 week, after work hours? If it's on Zoom they don't
25 have to travel anywhere. Does that work?

MR. MACDONALD: Again, I've gone over this with you guys, and we don't need to go back and forth on the record about it. I have shared with you why they cannot do --

MS. MARHEFKA: You didn't answer my question. You said it has to do with work hours.

MR. MACDONALD: I'm not being deposed, Julie. Again, it's my --

MS. MARHEFKA: That's why I'm talking to you.

MS. KARRON: Fine. Fine. It's fine, Julie. We'll just take it up with the court because we're getting thwarted on discovery and trying to play gotcha and focused on all kinds of things that have nothing to do with this case and wasted time instead of trying to get to the actual testimony that matters.

MR. MACDONALD: No one is trying to thwart you in discovery. We are here today --

MS. MARHEFKA: That is the absolute opposite of what you're doing.

MR. MACDONALD: Okay. Well, you set the deposition for today, and you now are trying to cancel because you have a commitment at 5:00 p.m. that none of us knew about. That is not up for discovery, that is you not scheduling it

1 appropriately.

2 MS. KARRON: I didn't schedule it. I
3 cross-noticed it based on the date that you gave to
4 cocounsel.

5 MR. MACDONALD: Well, don't you think you
6 should have told us that you have to go at 5:00 p.m.
7 so we can accommodate --

8 MS. KARRON: I'm sorry, 5:00 is when the day
9 typically ends.

10 MS. MARHEFKA: So I'm asking you to accommodate
11 it right now after work hours and the discovery
12 period, and you're not responding.

13 MR. MACDONALD: Again, we're available today.
14 They took time off, and they don't have time within
15 the same week because the discovery period ends on
16 August 29th. So they do not have availability prior
17 to three days from now to reschedule their
18 deposition --

19 MS. KARRON: We're asking for availability
20 after that. We're asking for their availability
21 after that just like we're taking your expert
22 deposition after that.

23 MR. MACDONALD: I understand that. And after
24 speaking with them, they want to continue today.
25 They do not want to set it for a later date.

MS. KARRON: I'm sure that's the case, but if we don't finish this today, we're going to need to reset it.

MR. MACDONALD: Okay. We don't need to argue.

BY MS. MARHEFKA:

Q. Okay. Sir, are you ready to go?

A. Yes.

Q. Okay. Good evening, sir. My name is Julie Marhefka. I represent Superior Charter Schools in this case.

Do you know who Superior Charter Schools is?

A. It's part of Academir.

Q. Okay. And before this case, were you aware of what Superior Charter Schools was?

A. Yes. Superior is the one who administrates the schools; is it not?

Q. Okay. And when did you first become aware that Superior administrates the schools, as you say?

A. Two days ago.

Q. So you just became aware that Superior manages Academir two days ago?

MR. MACDONALD: Objection, form.

BY MS. MARHEFKA:

Q. You can answer the question.

A. Some days ago. I don't remember exactly when,

1 but it was some days ago.

2 Q. Well, a few minutes ago I asked if before this
3 lawsuit, before this case, if you knew who Superior was,
4 and you said, Yes. And now you're telling me a few days
5 ago you figured out who they are.

6 Which is it?

7 A. I'm telling you that, yes, that I do know who
8 Superior is because I learned about that some days ago.

9 Q. Okay. Do you have an understanding of
10 Superior's role in managing Academir?

11 A. I know that Superior is the one that
12 administrates the Academirs, but I don't know any
13 specifics.

14 Q. Okay. Do you believe that Superior had any
15 influence on Academir's handling of the incidents
16 involving your child?

17 MR. MACDONALD: Objection, form.

18 THE WITNESS: I don't know.

19 BY MS. MARHEFKA:

20 Q. Do you have any reason to believe that
21 Superior, as the management company, was directly
22 involved in the incident involving your child?

23 MR. MACDONALD: Objection, form.

24 THE WITNESS: I don't know how they work.

25 BY MS. MARHEFKA:

1 Q. To your knowledge, did you ever communicate
2 with anyone at Superior about this incident?

3 MR. MACDONALD: Objection, form.

4 MS. MARHEFKA: Why are you objecting? I'm
5 asking if to his knowledge he communicated with
6 anyone.

7 MR. MACDONALD: It's a legal contention. He is
8 not going to know how to distinguish between who
9 works for the management company versus the school.

10 BY MS. MARHEFKA:

11 Q. You can answer.

12 A. I know that my wife communicated with Mr.
13 Rolando Mir, and he never answered the calls. I know --
14 I don't exactly remember it, but I know that my wife
15 attempted to communicate with him, but he never
16 answered. He never gave a solution either.

17 Q. Did you ever personally speak with Mr. Rolando
18 Mir?

19 A. No.

20 MS. MARHEFKA: I don't have any more questions.

21 MR. MACDONALD: I'm sorry, I don't have any
22 questions for him, but he'll read.

23 (The deposition concluded at 4:25 p.m.)
24
25

[REDACTED]

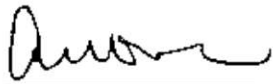
CERTIFICATE OF OATH

STATE OF FLORIDA:

COUNTY OF ORANGE:

I, AMBER PORTELLO, Notary Public, State of Florida,
do hereby certify that [REDACTED] personally
appeared before me on August 26, 2024, and was duly
sworn and produced a Florida driver's license as
identification.

Signed this 3rd day of September, 2024.



AMBER PORTELLO

Notary Public, State of Florida
My Commission No.: HH124775
Expires: MAY 4, 2025

[REDACTED]

CERTIFICATE OF REPORTER

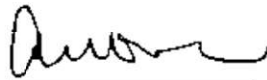
STATE OF FLORIDA:

COUNTY OF ORANGE:

I, AMBER PORTELLO, Notary Public, State of Florida, certify that I was authorized to and did stenographically report the deposition of [REDACTED] [REDACTED] that a review of the transcript was requested; and that the foregoing transcript, pages 4 through 91, is a true and accurate record of my stenographic notes.

I further certify that I am not a relative, employee, or attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED this 3rd day of September, 2024.



AMBER PORTELLO